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8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**
10

11 UNITED STATES OF AMERICA,
12 Plaintiff,
13 v.
14 SHAUN PATRICK ANDERSON,
15 Defendant.

Case No. 2:17-cr-363-APG-EJY

**STIPULATION TO CONTINUE
SENTENCING HEARING**
(Third Request)

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17 IT IS HEREBY STIPULATED AND AGREED, by and between Nicholas A.
18 Trutanich, United States Attorney, and Patrick Burns, Assistant United States Attorney, counsel
19 for the United States of America, and Rene L. Valladares, Federal Public Defender, and Heidi
20 A. Ojeda, Assistant Federal Public Defender, counsel for Shaun Patrick Anderson, that the
21 sentencing hearing currently scheduled for April 22, 2020 be vacated and continued to a date
22 and time convenient to the Court, but no sooner than ninety (90) days. Additionally, the
23 defenses' response to the Government's sentencing memorandum will be due one week prior
24 to sentencing.

25 This Stipulation is entered into for the following reasons:
26

1 1. The parties are trying to negotiate this case to avoid the need for an evidentiary
2 hearing at sentencing.

3 2. In the event negotiations fall through, the court will need to hold an evidentiary
4 hearing at the time of sentencing. Given the Court's Temporary General Order 2020-05, this
5 hearing should be continued to avoid in-person court appearances.

6 3. The defendant is incarcerated and does not object to the continuance.

7 4. The parties agree to the continuance.

8 5. The additional time requested herein is not sought for purposes of delay, but
9 merely to allow counsel for defendant sufficient time within which to be able to effectively and
10 complete investigation of the discovery materials provided.

11 6. Consistent with the Court's Temporary General Order 202-05, this matter should
12 be continued to avoid in-person hearings and to avoid jeopardizing the public health and safety.

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14 This is the third request to continue sentencing hearing filed in this matter.

15 DATED this 1st day of April 2020.

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17 RENE L. VALLADARES
18 Federal Public Defender

 NICHOLAS A. TRUTANICH
 United States Attorney

19 By /s/ Heidi A. Ojeda

20 HEIDI A. OJEDA
21 Assistant Federal Public Defender

 By /s/ Patrick Burns

 PATRICK BURNS
 Assistant United States Attorney

1 **UNITED STATES DISTRICT COURT**

2 **DISTRICT OF NEVADA**

3 UNITED STATES OF AMERICA,

4 Plaintiff,

5 v.

6 SHAUN PATRICK ANDERSON,

7 Defendant.

Case No. 2:17-cr-363-APG-EJY

FINDINGS OF FACT, CONCLUSIONS
OF LAW AND ORDER

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10 **FINDINGS OF FACT**

11 Based on the pending Stipulation of counsel, and good cause appearing therefore, the
12 Court finds that:

13 1. The parties are trying to negotiate this case to avoid the need for an evidentiary
14 hearing at sentencing.

15 2. In the event negotiations fall through, the court will need to hold an evidentiary
16 hearing at the time of sentencing. Given the Court's Temporary General Order 2020-05, this
17 hearing should be continued to avoid in-person court appearances.

18 3. The defendant is incarcerated and does not object to the continuance.

19 4. The parties agree to the continuance.

20 5. The additional time requested herein is not sought for purposes of delay, but
21 merely to allow counsel for defendant sufficient time within which to be able to effectively and
22 completely prepare for sentencing.

23 6. Consistent with the Court's Temporary General Order 202-05, this matter should
24 be continued to avoid in-person hearings and to avoid jeopardizing the public health and safety.

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3 **CONCLUSIONS OF LAW**

4 The ends of justice served by granting said continuance outweigh the best interest of the
5 public and the defendant, since the failure to grant said continuance would be likely to
6 jeopardize the public health and safety in light of COVID-19.
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8 **ORDER**

9 IT IS THEREFORE ORDERED that the defenses' response to the Government's
10 sentencing memorandum will be due one week prior to sentencing.

11 IT IS FURTHER ORDERED that the sentencing hearing currently scheduled for April
12 22, 2020, at 11:00 a.m., be vacated and continued to July 21 , 2020 at the hour of 11:00 a.m.
13 in Courtroom 6C.

14 DATED this 2nd day of April, 2020.

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18 UNITED STATES DISTRICT JUDGE
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